

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

RITTENHOUSE ENTERTAINMENT,  
INC.; THE MINES, INC.; G NET COMM.  
CO.; PHOENIX ESTATES; and  
THOMAS J. GRECO;

Plaintiffs,

v.

CITY OF WILKES-BARRE; THOMAS  
LEIGHTON, *individually and as Mayor of  
Wilkes-Barre*; GERALD DESSOYE,  
*individually and as Chief of Police of  
Wilkes-Barre*; J.J. MURPHY, *individually  
and as City Administrator of Wilkes-  
Barre*; TONY THOMAS, JR., KATHY  
KANE, WILLIAM BARRET, RICK  
CRONAUER, and MICHAEL MERRITT,  
*individually and as Members of the  
Wilkes-Barre City Council*; BUTCH  
FRATI, *individually and as Director of  
Operations of Wilkes-Barre*; LUZERNE  
COUNTY; MICHAEL SAVOKINAS,  
*individually and as Luzerne County  
Sheriff*; KING'S COLLEGE; and FATHER  
THOMAS J. O'HARA, ROBERT  
MCGONIGLE, PAUL LINDENMUTH, and  
JOHN MCANDREW, *individually and as  
Officers and Employees of King's  
College*;

Defendants.

CIVIL ACTION NO. 3:11-617

(JUDGE CAPUTO)

**ORDER**

**NOW**, this 8<sup>th</sup> day of August, 2018, **IT IS HEREBY ORDERED** that:

- (1) Defendants McAndrew and Lindenmuth are dismissed from the case.

- (2) City Defendants' Motion for Summary Judgment (Doc. 135) is **GRANTED in part and DENIED in part as follows**:
- (a) the Motion is **GRANTED**, and judgment entered in favor of City Defendants, with respect to all claims in Counts I, II, III, IV, and VI.
- (b) The Motion for Summary Judgment is otherwise **DENIED**.
- (3) College Defendants' Motion for Summary Judgment (Doc. 138) is **GRANTED in part and DENIED in part** as follows:
- (a) The Motion is **GRANTED**, and judgment entered in favor of College Defendants, with respect to all claims in Counts I, II, and III.
- (b) The Motion for Summary Judgment is otherwise **DENIED**.
- (4) County Defendants' Motion for Summary Judgment (Doc. 141) is **GRANTED**, and judgment entered in favor of County Defendants.
- (5) The state law claims in Count V are **DISMISSED** for lack of subject matter jurisdiction.
- (6) The Clerk of Court is directed to close the case.

/s/ A. Richard Caputo  
A. Richard Caputo  
United States District Judge